

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Amend the Laws Governing Certain Sexual Offenses**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA §253, sub-§2, ¶¶K and L** as enacted by PL 2011, c. 423, §3, are amended to read:

K. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and suffers from a mental disability that is reasonably apparent or known to the actor. Violation of this paragraph is a Class C crime; ~~or~~

L. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare. Violation of this paragraph is a Class C crime; ~~or~~

**Sec. 2. 17-A MRSA §253, sub-§2, ¶M** is enacted to read:

M. The other person has not consented to the sexual act. Violation of this paragraph is a Class C crime.

**Sec. 3. 17-A MRSA §253, sub-§3**, as repealed and replaced by PL 2007, c. 474, §2, is repealed.

**Sec. 4. 17-A MRSA §255-A, sub-§1, ¶¶A and B**, as enacted by PL 2001, c. 383, §23 and affected by §156, are amended to read:

A. The other person has not ~~expressly or impliedly acquiesced~~ inconsented to the sexual contact. Violation of this paragraph is a Class D crime;

B. The other person has not ~~expressly or impliedly acquiesced~~ inconsented to the sexual contact and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

**Sec. 5. 17-A MRSA §260, sub-§1, ¶A**, as enacted by PL 2003, c. 138, §5, is amended to read:

A. The other person has not ~~expressly or impliedly acquiesced~~ inconsented to the sexual touching. Violation of this paragraph is a Class D crime;

### **SUMMARY**

This bill creates a new violation under the law defining the crime of gross sexual assault in which an actor is guilty of gross sexual assault if the actor engages in a sexual act with another person who

has not consented to the sexual act; this violation is a Class C crime. The bill also amends the crime of gross sexual assault by repealing the defense to prosecution that the other person voluntarily consumed or allowed the actor to administer to that person drugs or other intoxicants.

The bill also amends the crime of unlawful sexual contact and unlawful sexual touching by eliminating language specifying that the other person did not expressly or impliedly acquiesce to the sexual contact or sexual touching and replaces it with language specifying that the person did not consent to the sexual contact or sexual touching.